



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19699 of 2015

SELVAKUMAR

... PETITIONER / ACCUSED No.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO. 63 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.JEGADEESH PANDIAN Advocate

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

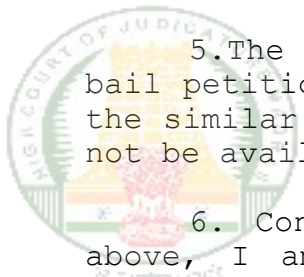
ORDER : The Court Made the following order :-

The petitioner, who arrayed as A4 apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(c) r/w 25 of NDPS Act in Crime No.63/2014 and hence, seek anticipatory bail.

2.The case of the prosecution is that on 23.09.2014, on specific information, the respondent/Police conducted vehicle check up and intercepted a Tata Manza bearing Registration No.TN 65 L 0068 and found that the accused were possessing 98 Kgs of Ganja and the respondent Police arrested three persons, while two persons escaped from the scene of occurrence.

3.The learned counsel for the Petitioner submitted that except this petitioner, other accused were released on bail and the Petitioner is implicated based on the confession of the co-accused. It is further contended that the respondent has not taken the sample from the scene of occurrence as per the standing instructions issued by the Narcotics Control Bureau, New Delhi in Standing Instruction No.1/88 and it is further contended that the respondent seized the contraband on 23.09.2015, and produced the same before the Judicial Magistrate concerned and after returning for production before the Special Court, it was produced after a period of three months i.e., on 09.12.2015, which creates a serious doubt over the entire prosecution case.

4.The respondent filed a detailed counter opposing the grant of anticipatory bail petition stating that the respondent has seized ~~of Ganja~~ of Ganja and as per Section 37 of NDPS Act, the accused is not entitled for the relief of anticipatory bail.



5. The learned Government Advocate (Crl. Side) opposed the anticipatory bail petition stating that if the Petitioner is released, he will commit the similar offence in future and he will escape to Sri Lanka and he will not be available for trial.

6. Considering the facts and circumstances of the case as stated above, I am inclined to enlarge the petitioner on anticipatory bail. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Principal District Sessions Court for NDPS Act Cases, Pudukkottai and on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction to the learned Judge concerned and on further condition that the petitioner shall appear before the respondent police daily twice at 10.30 a.m and 5.30 p.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-

29/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE PRINCIPAL DISTRICT SESSIONS COURT FOR NDPS ACT CASES
PUDUKOTTAI

2 THE INSPECTOR OF POLICE
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

+1. CC to M/S M.JEGADEESH PANDIAN Advocate SR.No.63580.

ORDER

IN

CRL OP(MD) No.19699 of 2015

Date :29/10/2015

AM/02.11.2015/GSV.PM/SAR-1/2P/6C